

# Wetlands Bureau Decision Report

Decisions Taken  
10/25/2010 to 10/31/2010

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

\*\*\*\*\*

**2008-00432                      FOURNIER, ALAN**  
**MEREDITH   Lake Winnepesaukee**

### Requested Action:

Approve name change to: Alan P. Fournier, c/o Pennant Capital Management, 26 Main St., Chatham, New Jersey 07928 per request received 10/14/10. Previous owner: Robert & Mary Schwager.

\*\*\*\*\*

### Conservation Commission/Staff Comments:

The Con Com has no objections

Inspection Date: 07/18/2008 by Chris T Brison

### APPROVE NAME CHANGE:

Install three 6 ft x 4 ft concrete pads and two 6 ft x 40 seasonal docks, and relocate an existing 6 ft x 40 ft seasonal dock to construct a "W" shaped docking structure, install a 14 ft x 30 ft seasonal canopy over the southern slip, to the north of a permitted 2 slip dug in boathouse on an average frontage of 663 ft on Lake Winnepesaukee, Meredith.

### With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated June 29, 2008, as received by DES on July 01, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. The seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
7. The concrete pads shall be located entirely behind the undisturbed shoreline above and behind full lake elevation of 504.32.
8. Canopies shall be of seasonal construction type with a flexible fabric cover and shall be removed for the non-boating season.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

### With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

-Send to Governor and Executive Council-

**2009-03043                      PORTSMOUTH, CITY OF**  
**PORTSMOUTH   North Mill Pond**

### Requested Action:

Impact a total of 23,615 square feet in the previously developed upland tidal buffer zone for roadway reconstruction, causeway removal and culvert replacement/expansion, and impact a total of 8,461 square feet in tidal waters for fill removal, installation of new culvert footings, and channel and slope protection, including: replacement of an existing single 26' wide pipe arch culvert with three open bottom concrete arch culverts set side by side (two 20' wide x 52' long culverts set on either side of a 28' wide x 52' long center culvert); installation of 2,200 square feet of inter-tidal channel and slope protection rip rap; installation of 8,842 square feet of

tidal buffer zone slope stabilization rip rap; and reconstruction of a total of 362 linear feet of roadway and abutment granite seawall.

\*\*\*\*\*

#### APPROVE PERMIT:

Impact a total of 23,615 square feet in the previously developed upland tidal buffer zone for roadway reconstruction, causeway removal and culvert replacement/expansion, and impact a total of 8,461 square feet in tidal waters for fill removal, installation of new culvert footings, and channel and slope protection, including: replacement of an existing single 26' wide pipe arch culvert with three open bottom concrete arch culverts set side by side (two 20' wide x 52' long culverts set on either side of a 28' wide x 52' long center culvert); installation of 2,200 square feet of inter-tidal channel and slope protection rip rap; installation of 8,842 square feet of tidal buffer zone slope stabilization rip rap; and reconstruction of a total of 362 linear feet of roadway and abutment granite seawall.

#### With Conditions:

1. All work shall be in accordance with plans by Altus Engineering Inc. entitled NHDES Dredge and Fill Plan dated 5/10/2010, as received by the NH Department of Environmental Services (DES) on 5/14/2010, and in accordance with plans by Haight Engineering PLLC dated 12/30/2009, as received by DES on 8/6/2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Work shall be done during low tide.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All re-fueling of equipment shall occur outside of surface waters or wetlands.

#### With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands except for the repair of existing structures pursuant to Env-Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing culvert is deteriorated and under-sized, creating a tidal restriction to the estuarine North Mill Pond.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The new design removes existing causeway roadbed fill, and more than triples the tidal flushing and flow capacity under Maplewood Avenue to the North Mill Pond. The new inter-tidal zone created brings diversity by creating a riffle area and wider shallows for species passage.
4. The applicant has demonstrated that the project fulfills the requirements for compensatory mitigation, pursuant to Env-Wt 302.03, and is considered an alternative compensatory mitigation proposal pursuant to Env-Wt 803.06(b), by improving the flow of the tidal resource, and as part of the important relationship of the project to on-going North Mill Pond study and restoration efforts being conducted by the City, UNH, DES/NH Coastal Program and NOAA. The project will create 2,075 square feet of new inter-tidal and sub-tidal habitat, and the culvert replacement is expected to improve water quality in an estimated 47 acres according to UNH researchers.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for

Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.

6. The Portsmouth Conservation Commission recommends approval of the project.

7. This project is being coordinated and funded by DES/NH Coastal Program and NOAA.

8. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project has not received substantial public interest, and will not have a significant impact on or adversely affect the values of the estuarine resource, as identified under RSA 482-A:1.

-Send to Governor and Executive Council-

**2010-00803 CHILLIN & GRILLIN LLC, ROBERT ANDERSON  
TUFTONBORO Lake Winnepesaukee**

**Requested Action:**

Construct two 6 ft x 35 ft piling piers connected by a 6 ft x 12 ft walkway in a "U" configuration with a 14 ft x 30 ft seasonal canopy over the center slip, and drive 4 tie-off pilings and 2 three piling ice clusters to the east of a pre-existing 2-slip docking facility on an average of 473 ft of frontage on Little Bear Island, Lake Winnepesaukee, in Tuftonboro.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com deferred to Wetlands Bureau

Inspection Date: 06/02/2010 by Dale R Keirstead

**APPROVE PERMIT:**

Construct two 6 ft x 35 ft piling piers connected by a 6 ft x 12 ft walkway in a "U" configuration with a 14 ft x 30 ft seasonal canopy over the center slip, and drive 4 tie-off pilings and 2 three piling ice clusters to the east of a pre-existing 2-slip docking facility on an average of 473 ft of frontage on Little Bear Island, Lake Winnepesaukee, in Tuftonboro.

**With Conditions:**

1. All work shall be in accordance with plans by Diversified Marine Construction as revised October 15, 2010, and received by the NH Department of Environmental Services (DES) on October 21, 2010.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
4. There shall be no removal of ground cover from the shorelands adjacent to this docking facility except within the footprint of the proposed 6 ft wide stair way over the bank to access the docking facility.
5. No work is authorized to the a 61 ft x 6 ft wharf extending approximately 10 inches over the water; two 6 ft x 24 ft piling piers and connecting walkways; and, 50 ft wide perched beach.
6. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
7. No portion of the "U" shaped shall extend more than 35 feet from the shoreline at full lake elevation.
8. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of docking facilities providing more than 5

slips.

2. The applicant has an average of 473 feet of frontage along Lake Winnepesaukee.
3. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The existing and proposed docking facilities will provide a total of 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
6. Rule Env-Wt 402.06 Permanent piers has been met because the proposed piers will provide access to a property only accessible by boat.

-Send to Governor and Executive Council-

## MINOR IMPACT PROJECT

\*\*\*\*\*

**2005-02104                      VESTNER, ELIZABETH**  
**PORTSMOUTH   North Mill Pond**

Requested Action:

Approve name change to: Elizabeth G. Vestner, 206 Northwest St., Portsmouth NH 03801 per request received 10/20/10. Previous owner: Sonny Iannacone.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. recommends denial of project. The concerns have been addressed in the findings.

APPROVE NAME CHANGE:

Impact of a total of 5,890 square feet of developed upland tidal buffer zone, including: permanent impacts of 1,869 square feet for the construction of three additions to an existing dwelling, reconstruction of an existing seawall, and construction of a patio; temporary impacts of 4,021 square feet for removal of impervious surfaces including two metal sheds and pavement.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants dated January 5, 2006, as received by the Department on February 6, 2006.
2. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
4. This permit is contingent upon approval of a Shoreland Waiver from RSA 483-B: 9, II, of the Comprehensive Shoreland Protection Act.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wq 1406.18.

**2007-01604                      FOURNIER, ALAN**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Approve name change to: Alan P. Fournier, c/o Pennant Capital Management, 26 Main St., Chatham, New Jersey 07928 per request received 10/14/10. Previous owner Robet & Mary Schwager.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com has no concerns but stated their comments are the same as previously submitted in file 2005-2120.

APPROVE NAME CHANGE:

Reconsider and approve applicants request to: Excavate 16 cubic yards from 366 sq ft of lake bed and excavate 900 sq ft of bank to construct a 28 ft x 32 ft dug in boathouse providing two slips on an average of 662 ft of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Thomas Selling dated June 11, 2007, revision date December 18, 2007, as received by DES on December 21, 2007.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. The boathouse shall be a single-story structure; ridgeline not to exceed 20 ft in height (Elev. 524.32) above normal high water (Elev. 504.32).
6. Dewatering of work areas and dredged materials shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. All dredged and excavated material and construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
8. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 2 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. Work shall be done during drawdown or low water conditions.
14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
15. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
16. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
17. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

Requested Action:

Dredge and fill  $\pm$  1,800 sq. ft. of unnamed perennial stream (tributary to Sucker Brook) to replace a 36-in. culvert (Sam Hill Rd.) with twin 42-in. culverts and remove eroded road material from  $\pm$  250 lin. ft. of the stream channel.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill  $\pm$  1,800 sq. ft. of unnamed perennial stream (tributary to Sucker Brook) to replace a 36-in. culvert (Sam Hill Rd.) with twin 42-in. culverts and remove eroded road material from  $\pm$  250 lin. ft. of the stream channel.

With Conditions:

1. All work shall be in accordance with plans by dated L.C. Engineering Co., LLC dated June 08, 2009, and revised through September 22, 2010, as received by the Department on October 01, 2010.
2. Work shall be done during annual low flow conditions.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
9. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Culverts shall be laid at original grade.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. The channel at the culvert inlet and outlet and stream restoration area must maintain the natural and a consistent streambed elevation and not impede stream flow.
16. All road bed material removed from the streambed shall be removed down to the level of the natural stream substrate.
17. Stream banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
18. Only native plant species shall be utilized to renegotiate the streambank.
19. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
25. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of perennial stream.
2. The proposed twin 42-in. culverts will pass the 50-year storm.
3. The applicant has received written consent from the owner(s) of tax map(s)/lot no.(s) 15/781-514 and 15/23-083-033, owners of the properties on which project activities will take place.
4. Comments of concern were not submitted to the file.
5. See related findings for the reconsideration request approved October 29, 2010.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Approve reconsideration dredge and fill  $\pm$  1,800 sq. ft. of unnamed perennial stream (tributary to Sucker Brook) to replace a 36-in. culvert (Sam Hill Rd.) with twin 42-in. culverts and remove eroded road material from  $\pm$  250 lin. ft. of the stream channel.

\*\*\*\*\*

APPROVE RECONSIDERATION:

Dredge and fill  $\pm$  1,800 sq. ft. of unnamed perennial stream (tributary to Sucker Brook) to replace a 36-in. culvert (Sam Hill Rd.) with twin 42-in. culverts and remove eroded road material from  $\pm$  250 lin. ft. of the stream channel.

With Findings:

A. Grounds for Reconsideration

The request for reconsideration:

1. Provided a response to the September 03, 2009, Request for More Information Letter.

B. Standards and Process for Review

1. RSA 482-A:10, II requires the request for reconsideration shall describe in detail each ground for the request for reconsideration.
2. RSA 482-A:10, III provides that on reconsideration, the department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the department's decision to show that the decision is unlawful or unreasonable.
4. If the department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the department must follow when processing applications and establishes deadlines by which decisions must be made.
2. The subject Standard Dredge and Fill Application was received June 17, 2009, and was determined to be administratively complete on June 24, 2009.
3. By letter dated September 03, 2009, the department requested more information pursuant to RSA 482-A:3, XIV(a)(2) ("RFMI"). The RFMI requested culvert sizing information, natural stone installation in stream restoration areas, permission for work outside of the town right-of-way, a construction sequence and a wider stream bank buffer.
4. The department did not receive a complete response to the RFMI within the 60 days of the request per RSA 482-A:3, XIV(a)(2).
5. Based on RSA 482-A:3, XIV (a)(2), by letter dated January 05, 2010, the department denied the application because the issues raised in the RFMI were not addressed.
6. A request for reconsideration was received on February 01, 2010. The reconsideration provided a response to the September 03, 2009, RFMI.
7. By letter dated March 03, 2010, the department requested more information, including culvert sizing information and a revised construction sequence.
8. Multiple extension agreements were finalized to allow the Applicant additional time to respond to the March 03, 2010, RFMI.
9. The applicant submitted a response received on August 23, 2010, that satisfied the March 03, 2010, RFMI and subsequent plans were received on October 01, 2010.

D. Decision

1. Based on the foregoing, the department has granted the reconsideration to the subject application, file number 2009-01273.

**2010-01582                      BALLINGER TRUST, WYNNE SHARPLES**  
**MOULTONBOROUGH   Tributary To Squam Lake**

Requested Action:

Proposal to dredge and fill 2239 sq. ft. of intermittent stream (approximately 77 linear ft.) and associated wetlands and restoration of 1,125 sq. ft. of stream (approximately 17 linear ft.) and associated wetlands for the construction of a new driveway to an existing home. Work in wetlands/streams includes: Impact Area #1 consisting of an embedded 48 in. x 30 ft. culvert with associated outlet protection grading, filling and culvert headwalls; Impact Area #2 consisting of an embedded 24 in. x 35 ft. culvert with associated grading, filling and culvert headwalls; and Restoration Area #1 consisting of the removal of an existing culvert, associated fill and restoration of the stream and wetlands.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 2239 sq. ft. of intermittent stream (approximately 77 linear ft.) and associated wetlands and restoration of 1,125 sq. ft. of stream (approximately 17 linear ft.) and associated wetlands for the construction of a new driveway to an existing home. Work in wetlands/streams includes: Impact Area #1 consisting of an embedded 48 in. x 30 ft. culvert with associated outlet protection grading, filling and culvert headwalls; Impact Area #2 consisting of an embedded 24 in. x 35 ft. culvert with associated grading, filling and culvert headwalls; and Restoration Area #1 consisting of the removal of an existing culvert, associated fill and restoration of the stream and wetlands.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC plan sheets 2 and 3 of 4 dated May 24, 2010, as received by the NH Department of Environmental Services (DES) on June 15, 2010, plan sheets 4 of 4 revision date of September 12, 2010, as received by the NH Department of Environmental Services (DES) on September 27, 2010.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any new materials used to restore the streambed or embed culverts shall be similar to the natural stream substrate and shall not include angular rip-rap.
5. A post-construction report documenting the status of the restored streambed, banks, associated wetlands and new culvert crossings shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

15. All refueling of equipment shall occur outside of surface waters or wetlands.

16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks;
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission commented that the project needs Planning Board approval.
6. This approval contains a general condition that indicates that the permit does not relieve the applicant from the obligation to obtain other local, state or federal permits.

**2010-01583                      WEST COVE D CONDOMINIUM ASSOCIATION**  
**GRANTHAM   Eastman Lake**

Requested Action:

Propose to dredge and fill 1175 square feet of wetlands, a perennial stream, and the bank of Eastman Lake for the replacement of culverts and construction of a sediment pool.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 870 square feet of wetlands, a perennial stream, and the bank of Eastman Lake for the replacement of culverts and construction of a sediment pool.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers entitled Eastman Lake Inlet and Sediment Correction (Sheets S1, S2, and S3) revised October 05, 2010 as received by DES on October 12, 2010 and (Sheets S4) revised October 27, 2010 as received by DES on October 28, 2010.
2. Extreme precautions shall be taken within riparian and lakeshore areas to limit unnecessary removal of vegetation during construction.
3. Area of temporary impact shall be restored to existing conditions following completion of work. These areas shall be monitored and remedial actions taken if necessary.
4. Jurisdictional areas from which vegetation will be cleared for the culvert replacement shall be replanted with like native species.
5. Mulch within the restoration area shall be straw.
6. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer specifications.
7. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse
9. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain

in place until the area is stabilized.

12. Prior to commencing work within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.

13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

14. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

15. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.

16. Temporary cofferdams shall be entirely removed immediately following construction.

17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.

18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

19. All equipment shall work from adjacent banks or uplands and shall not enter flowing water.

20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

21. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

22. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

24. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

25. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

26. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

27. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

28. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

#### With Findings:

1. This is a minor project per Administrative Rule Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under 303.04(n).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

5. The Natural Heritage Bureau commented that although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, they do not expect that it will be impacted by the proposed project.

**2010-01635**                      **LIGHTBODY JR, CHARLES**  
**ALTON**   **Lake Winnepesaukee**

Requested Action:

Add 16 feet to an existing piling supported dock and reduce the width of the walkway for access resulting in a 6 ft x 39 ft piling pier accessed by 4 ft x 12 walkway on 200 ft of frontage on Lake Winnepesaukee, in Alton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com submitted comments requesting dock location in an area of no sand migration

APPROVE PERMIT:

Add 16 feet to an existing piling supported dock and reduce the width of the walkway for access resulting in a 6 ft x 39 ft piling pier accessed by 4 ft x 12 walkway on 200 ft of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated October 10, 2010, as received by the NH Department of Environmental Services (DES) on October 04, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
8. No portion of the pier shall extend more than 39 feet from the shoreline at full lake elevation.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a dock which exceeds the criteria of a minimum impact docking structure.
2. The applicant has an average of 200 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2010-01776                      DALL, HENRY**  
**LYME   Unnamed Wetland**

Requested Action:

Impact a total of 5,200 square feet of wetlands. Work in jurisdiction includes: dredging 2,100 square feet wetlands for the construction of a wildlife, recreation, and fire protection pond; and restoring 3,100 square feet of wetlands that were inadvertently impacted by logging.

\*\*\*\*\*

APPROVE PERMIT:

Impact a total of 5,200 square feet of wetlands. Work in jurisdiction includes: dredging 2,100 square feet wetlands for the construction of a wildlife, recreation, and fire protection pond; and restoring 3,100 square feet of wetlands that were inadvertently impacted by logging.

With Conditions:

1. All work shall be in accordance with plans by Lobdell Associates Inc. entitled Dall Pond and Restoration (Figure 4) as received

by the Department on July 06, 2010; and Dall Dugout Pond (Figure 6) as received by the Department on October 12, 2010.

2. Appropriate erosion/siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
4. Precautions shall be taken to limit unnecessary removal of vegetation adjacent to the pond.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Machinery shall be staged and refueled in upland areas.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
8. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor project per Administrative Rule Env-Wt 303.03 (h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f);
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The pond construction will only impact poorly drained soils.
5. Project revisions added a Wildlife Marsh Shelf to the pond. This area will be equal to or less than 4 feet deep to encourage aquatic plants.
6. Project revisions added additional plantings around the edge of the pond to encourage wildlife.
7. The portions of the lot being proposed for construction and restoration are under a conservation easement held by Society for the Protection of New Hampshire Forest (SPNHF). In a letter dated June 02, 2010 SPNHF stated their approval of the project.

**2010-01963 TYO JR, ERNEST & LINDA**  
**MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Pour two 4 ft x 6 ft concrete pads and install two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway, on an average of 153 ft of frontage on Lake Winnepesaukee, in Moultonborough.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com submitted comments with concerns about dredging for a swimming area

APPROVE PERMIT:

Pour two 4 ft x 6 ft concrete pads and install two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway, on an

average of 153 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated September 24, 2010, as received by the NH Department of Environmental Services (DES) on October 04, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal piers shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. The concrete pads shall be located entirely above and behind full lake elevation of 504.32.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the criteria for minimum impact docks.
2. The applicant has an average of 153 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2010-01980                      GILL, MICHAEL & ERIKA**  
**WAKEFIELD   Pine River Pond**

Requested Action:

Stabilize 100 linear ft of shoreline with rip rap and install 4 ft x 6 ft concrete pad with a 4 ft x 25 ft seasonal dock on an average of 100 ft of frontage on Pine River Pond, in Wakefield.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments from Con Com by Sept 16, 2010

APPROVE PERMIT:

Stabilize 100 linear ft of shoreline with rip rap and install 4 ft x 6 ft concrete pad with a 4 ft x 25 ft seasonal dock on an average of 100 ft of frontage on Pine River Pond, in Wakefield.

With Conditions:

1. All work shall be in accordance with plans by Land Tech dated July 2009, as received by the NH Department of Environmental Services (DES) on July 23, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only docking structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 25 feet from the shoreline at full lake elevation.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Work shall be done during low flow.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids discharges of sediments to fish spawning areas.
10. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2

feet lakeward of that line at any point.

11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(m), projects that disturb between 50 and 200 linear feet of shoreline of a lake.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has submitted information supporting the claim that vegetation will not stabilize this frontage due to water fluctuations and inadequate soils on site.
6. The applicant has an average of 100 feet of shoreline frontage along Lake .
7. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
8. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2010-02072                      FREEDOM, TOWN OF**  
**FREEDOM   Tributary To Ossipee Lake**

Requested Action:

Dredge and fill a total of 407 sq. ft. of surface water and wetland to remove an existing 3 ft. x 3.8 ft. x 30 ft. deteriorated arch culvert and replace with a new 4 ft. x 8 ft. x 32 ft. open bottom concrete arch pipe under an existing town roadway.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill a total of 407 sq. ft. of surface water and wetland to remove an existing 3 ft. x 3.8 ft. x 30 ft. deteriorated arch culvert and replace with a new 4 ft. x 8 ft. x 32 ft. open bottom concrete arch pipe under an existing town roadway.

With Conditions:

1. All work shall be in accordance with plans by Moser Engineering dated July 6, 2010, as received by the NH Department of Environmental Services (DES) on August 2, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with haybales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
7. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Env-Wt 303.03(k) projects that alter the course of or disturb less than 200 linear feet of a perennial stream or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has demonstrated that the existing culvert is deteriorated and needs to be replaced.
3. The new culvert was sized to accommodate the 100-year storm event.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-02230                      STATE OF NH FISH & GAME DEPARTMENT**  
**RUMNEY   Stinson Lake**

Requested Action:

Dredge and fill 1,113 sq ft to construct a 12 ft x 52 ft concrete boat ramp on Stinson Lake, in Rumney.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments from local Con Com by October 23, 2010

APPROVE PERMIT:

Dredge and fill 1,113 sq ft to construct a 12 ft x 52 ft concrete boat ramp on Stinson Lake, in Rumney.

With Conditions:

1. All work shall be in accordance with plans by Fay Spofford and Thorndike dated May 21, 2010, as received by the NH Department of Environmental Services (DES) on August 13, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low water conditions.
4. Appropriate siltation, erosion, and turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling except as authorized by DES in accordance with the Shoreland Impact Permit issued in accordance with RSA 483-B.
6. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place or as identified on the approved Shoreland Permit.
7. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a), projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the state or within 100 feet of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt 303.04 or Env-Wt 303.05.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant attempted to obtain a signed abutter letter from the abutter to the south for the proposed work within the abutter's 20 foot setback. The abutter to the south did not respond. Subsequently the Department approves the waiver request of the signed abutter permission letter submitted by the applicant.

**2010-02238                      TRUSTEY, KRISTINE**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Stabilize 73 linear feet of shoreline with a row of large boulders and a planted buffer on an average of 150 ft of frontage on Lake Winnepesaukee, in Moultonborough.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments from Con Com by Oct 25, 2010

APPROVE PERMIT:

Stabilize 73 linear feet of shoreline with a row of large boulders and a planted buffer on an average of 150 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated July 20, 2010, as received by the NH Department of Environmental Services (DES) on August 16, 2010.
2. The boulders shall be placed landward of the shoreline defined by the elevation of normal high water, elevation 504.32, so as not to create land in public water.
3. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that impact between 50 and 200 linear feet of shoreline of a lake.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. This shoreline was previously restored and revegetated from a sand and gravel shoreline to its current condition.

MINIMUM IMPACT PROJECT

\*\*\*\*\*

**2010-00849                      GREAT BAY MARINE, INC., ELLEN GRIFFIN-SAAS**  
**NEWINGTON   Great Bay**

Requested Action:

Impact a total of 8,900 sq. ft. of tidal buffer zone and tidal wetlands including the following: retain after-the-fact placement of 25 linear feet (250 sq. ft.) of rip-rap for the reconstruction of an existing deteriorated rip rap seawall; install 395 linear feet (6,250 sq. ft.) of rip-rap for the reconstruction of an existing deteriorated rip rap seawall; remove accumulated sediment on, and immediately adjacent to, the sideline of the existing boat ramp, and repair/replace damaged concrete ramp logs in same footprint one time under the life of this permit, an area of 2,400 sq. ft. Within the 2,400 sq. ft. area, clean away accumulated sediment and tidally deposited debris from the surface of boat ramp only in the dry above the mean low tide line as needed to maintain the functionality of the ramp.

\*\*\*\*\*

Inspection Date: 03/25/2010 by David A Price

APPROVE PERMIT:

Impact a total of 8,900 sq. ft. of tidal buffer zone and tidal wetlands including the following: retain after-the-fact placement of 25

linear feet (250 sq. ft.) of rip-rap for the reconstruction of an existing deteriorated rip rap seawall; install 395 linear feet (6,250 sq. ft.) of rip-rap for the reconstruction of an existing deteriorated rip rap seawall; remove accumulated sediment on, and immediately adjacent to, the sideline of the existing boat ramp, and repair/replace damaged concrete ramp logs in same footprint one time under the life of this permit, an area of 2,400 sq. ft. Within the 2,400 sq. ft. area, clean away accumulated sediment and tidally deposited debris from the surface of boat ramp only in the dry above the mean low tide line as needed to maintain the functionality of the ramp.

With Conditions:

1. All work shall be in accordance with revised plans by Altus Engineering, Inc. dated July 21, 2010, as received by the DES on July 26, 2010.
2. The owner shall notify DES in writing least 10 days in advance of any future maintenance action proposed to occur on the existing boat ramp as permitted to occur in the dry above mean low water, for the duration of this permit, and as conditioned by this approval. The written notification shall include supporting documentation that demonstrates the need to conduct the maintenance dredging and shall meet the DES Code of Administrative Rules Env-Wt 100-900 and RSA 482-A, the NH Wetlands law.
3. There shall be no further maintenance dredging of sediment that requires work in the water at any tide, either on or adjacent to the ramp, beyond the one occurrence permitted herein.
4. Dredging in tidal waters shall be done between November 15 and March 15, and shall not be permitted during a fish migration or larval setting stage of shellfish.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with haybales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
7. All rip rap repair work shall be done during low tide with no work in the water.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.

Faulty equipment shall be repaired prior to entering jurisdictional areas. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. On March 25, 2010, DES conducted an inspection of the property in response to a complaint of work being conducted without a permit. Based on the inspection, DES determined that 250 sq. ft. of the tidal shoreline was impacted with the placement of rip-rap without a wetlands permit from DES.
2. On April 21, 2010, DES sent the owner a Letter of Deficiency (WET 10-025) requesting that an after-the-fact application be submitted to retain impacts within DES jurisdiction.
3. In accordance with Env-Wt 303.04(o), this project is deemed minimum impact based on the degree of environmental impact. All work associated with the rip rap repair is confined to the footprint of the existing structures and is located above the mean low tide line, meaning that the repair work can be accomplished in the dry at low tide without working in the water. The removal of accumulated sediment is also confined to the hard structural surface of the boat ramp and its immediate shoulder, and has been permitted in the past as a maintenance activity with minimal impact.
4. Further maintenance dredging requiring work in the water or disturbing the estuarine substrate will be classified as a major project and require Governor and Executive Council approval.
5. The need for the proposed impacts has been addressed by the applicant per Env-Wt 302.04(a)(1). The applicant has demonstrated that there is evidence of ongoing erosion of the existing rip rap shoreline due to wave action and storms. The applicant

has further demonstrated that the existing boat ramp has accumulated sediments that need to be removed for the boat ramp to continue to be useful.

6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03 and 302.04(a)(2). The repair and maintenance work is confined to the footprint of the existing structures.

7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported as occurring in the project vicinity by the NH Natural Heritage Bureau.

8. The Newington Conservation Commission recommends approval of the project.

9. Further enforcement action relative to the unauthorized placement of the rip rap will be forthcoming under separate cover.

**2010-00974                      GARTNER, WILLIAM  
MEREDITH   Lake Waukewan**

**Requested Action:**

Permanently remove an existing 4 ft x 20 ft dock and install a 6 ft x 30 ft seasonal dock connected to a 4 ft x 6 ft concrete pad on an average of 96 feet of frontage on Waukewan Lake, Meredith.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com has no concerns

**APPROVE PERMIT:**

Permanently remove an existing 4 ft x 20 ft dock and install a 6 ft x 30 ft seasonal dock connected to a 4 ft x 6 ft concrete pad on an average of 96 feet of frontage on Waukewan Lake, Meredith.

**With Conditions:**

1. All work shall be in accordance with plans by Ames Associates dated September 29, 2010, as received by the NH Department of Environmental Services (DES) on October 04, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. The concrete pad shall be located behind full lake elevation.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.

**2010-01898                      CARR, KENNETH & DOROTHY  
BARNSTEAD   Unnamed Stream**

**Requested Action:**

Dredge and fill a total of 1,490 sq. ft. of an intermittent stream and wetlands and installation of an 18 inch x 28.5 inch x 40 foot arch pipe culvert to construct a driveway for access to uplands for the construction of a telecommunications tower.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill a total of 1,490 sq. ft. of an intermittent stream and wetlands and installation of an 18 inch x 28.5 inch x 40 foot arch pipe culvert to construct a driveway for access to uplands for the construction of a telecommunications tower.

**With Conditions:**

1. All work shall be in accordance with plans by GTP & AMEC dated May 24, 2010, as received by the NH Department of Environmental Services (DES) on October 20, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
4. All temporary work areas shall be seeded with a wetland seed mix upon completion of work.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

**With Findings:**

1. This is a minimum project pursuant to Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has demonstrated that the proposal must cross wetlands and the intermittent stream at some location on this property to access buildable uplands on the property.
3. The applicant has designed the stream crossing in accordance with Env-Wt 904.02. This project qualifies as a Tier One Stream Crossing which has a watershed of less than 200 acres, the crossing is sized to accommodate the 50 year frequency flood, and is a pipe arch design.

**2010-02152                      TOWN OF NEW BOSTON  
NEW BOSTON   Piscataquog River**

**Requested Action:**

Confirm Emergency Authorization issued August 13, 2010, to repair separated twin 6-ft. x 8-ft. box culverts, including scour wall installation, at Colburn Rd. along the Middle Branch of the Piscataquog River.

\*\*\*\*\*

**CONFIRM EMERGENCY AUTHORIZATION:**

Confirm Emergency Authorization issued August 13, 2010, to repair separated twin 6-ft. x 8-ft. box culverts, including scour wall installation, at Colburn Rd. along the Middle Branch of the Piscataquog River.

**With Findings:**

1. This project is classified as a minimum impact project per Env-Wt 303.04(x), Repair of a nondocking structure such as a culvert.
2. The project was necessary to prevent damage to Colburn Rd.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on August 13, 2010.
4. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2010-02163                      HOLLINGWORTH, BEVERLY  
HAMPTON   Atlantic Ocean**

Requested Action:

Retain 294 square feet of impact within the previously-disturbed 100-foot tidal buffer zone for the construction of a 42-foot long by 7-foot wide dry laid rock wall/revetment to protect the residential dwelling from storm surge wave action on property facing the Atlantic Ocean with 100 feet of shoreline frontage.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Hampton Conservation Commission 'does not oppose the granting of the wetlands permit.'

Inspection Date: 10/20/2010 by Eben M Lewis

APPROVE AFTER THE FACT:

Retain 294 square feet of impact within the previously-disturbed 100-foot tidal buffer zone for the construction of a 42-foot long by 7-foot wide dry laid rock wall/revetment to protect the residential dwelling from storm surge wave action on property facing the Atlantic Ocean with 100 feet of shoreline frontage.

With Conditions:

1. All work shall be in accordance with plans received by the NH Department of Environmental Services (DES) on August 17, 2010.
2. DES Wetlands Bureau Southeast Region staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. This approval allows only for the in-kind repair of the wall in the event that the wall is damaged.
4. The wall shall remain in dry laid stone construction only. No mortar or concrete or pinning shall be used or applied in any manner.

With Findings:

1. On July 20, 2010, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Hampton Tax Map 267 as Lot 51 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and RSA 483-B and applicable rules promulgated thereto.
2. During the inspection DES noted that a dry laid stone wall had been constructed between the dwelling and the highest observable tideline.
3. DES has no record of an approval for the construction this particular wall and subsequently requested that an after-the-fact application be submitted to retain the wall.
4. On August 17, 2010, DES received an application requesting to retain the aforementioned wall.
5. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
6. A Shoreland Permit is not required in accordance with RSA 483-B:5-b IV.
7. Under large storm events cobble-sized stones are washed against the dwelling creating a ramp-like effect deflecting waving energy onto the dwelling. The proposed wall will mitigate this action and afford the dwelling better protection. Therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b)& (c) Requirements for Application Evaluation, has been considered in the design of the project.
10. On August 3, 2010, DES received an 'Objection to Application of Beverly Hollingworth for permit Pursuant to RSA 482-A' dated August 3, 2010 (the "Objection") from Kathy Hutchins. In summary, the Objection outlined the following concerns;
  - a. The wall had been constructed without the necessary permits in pursuant to RSA 482-A and RSA 483-B;
  - b. The wall had been constructed and application submitted without the review of a professional engineer to ensure the wall is appropriate structure;
  - c. Significant disturbance has already occurred to construct the wall along the shoreline;
  - d. No precedent exists supporting the approval of the wall as the dwelling has been in the present location for over 110 years;
  - e. Most residents along the cliffs of Boars Head own to the high water mark. Granting the approval would provide special treatment and set a precedent that all owners along the cliffs could build walls consisting of various materials;
  - f. There is no evidence demonstrating the need for the wall;

- g. No supporting materials were submitted with the application prepared by an engineer identifying potential adverse impacts to the abutting properties and the shoreline;
  - h. The application identifies activities that are prohibited by RSA 482-A and RSA 483-B; and,
  - i. The wall is aesthetically inconsistent with the shoreline of Great Boars Head.
11. DES makes the following findings with respect to the concerns raised in the Objection:
- a. DES does not dispute that the wall had been constructed without the necessary approvals of RSA 482-A and RSA 483-B;
  - b. This project is categorized as a minimum impact, therefore the applicant is not required to retain professional engineers and/or certified wetlands scientist in accordance with Env-Wt 301.01(g).
  - c. Field inspection of the proposed wall determined that the impacts are not deleterious to the surrounding shoreline.
  - d. see above findings 5, 7, 8, and 9;
  - e. DES does not dispute that the owners along the Atlantic Ocean can construct walls, but those owners have to demonstrate a need pursuant to Env-Wt 302.01.
  - f. see finding 7 above;
  - g. see finding 11(b) above. DES also finds that the wall will not adversely affect abutting properties as the wall will not deflect wave energy in a manner to accelerate erosion.
  - i. DES finds that the wall is not visible from the ocean nor is the wall visible from the top of the bank of Boars Head. Furthermore, the wall is constructed of dry laid stone found nearby on the applicants' cobble beach.

**2010-02199                      SCHOFIELD, RICHARD**  
**COLUMBIA   Beaver Brook**

Requested Action:

Confirm emergency authorization to repair 440 square feet of the stream bank where the abutment protection failed during recent storm events. Work included placing stones below the abutments and replacing boulders.

\*\*\*\*\*

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization to repair 440 square feet of the stream bank where the abutment protection failed during recent storm events. Work included placing stones below the abutments and replacing boulders.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet, provided.
2. The emergency repairs were needed to protect the bridge and provide safe roadway passage.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on August 18, 2010.
4. Review of the materials submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**FORESTRY NOTIFICATION**

\*\*\*\*\*

**2010-02508                      ROBERTS, WHIPPLE**  
**CHOCORUA   Unnamed Stream**

COMPLETE NOTIFICATION:  
Chocorua Tax Map 218, Lot# 110

**2010-02925                      MATHES FAMILY LIMITED PARTNERSHIP**  
**NOTTINGHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Nottingham Tax Map 49, Lot# 1

**2010-02926                      WOLFEBORO WATER DEPARTMENT, TOWN OF**  
**WOLFEBORO   Unnamed Stream**

COMPLETE NOTIFICATION:  
Wolfeboro Tax Map 52, Lot# 1

**2010-02927                      SCARPETTI, DORIS/ALANA DEMERS**  
**HOOKSETT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Hooksett Tax Map 35, Lot# 7

**2010-02928                      BURKHAM, ELZEY**  
**LYMAN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lyman Tax Map 215, Lot# 14.1

**2010-02929                      GLINES, MICHAEL/ROGER**  
**NORTHFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Northfield Tax Map R21, Lot# 1 & 4

**2010-02930                      TREMBLAY, ANITA**  
**FARMINGTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Farmington Tax Map 23, Lot# 9-1

**2010-02931                      HURLEY SMITH, NANCY**  
**SANDWICH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Sandwich TAX MAP R12, Lot# 21

## OTHER BUSINESS

\*\*\*\*\*

**2010-02916                      LOVERUD-WOLFEBORO REALTY TRUST**  
**WOLFEBORO   Lake Winnepesaukee**

### Requested Action:

Place stone within voids along 52 linear feet of shoreline on Lake Winnepesaukee.

\*\*\*\*\*

### CONFIRM EMERGENCY AUTHORIZATION:

Place stone within voids along 52 linear feet of shoreline on Lake Winnepesaukee.

### With Conditions:

1. The owner shall file a follow-up application before December 1, 2010.
2. The municipal Conservation Commission and Board of Selectmen shall be notified prior to the start of work.
3. This form shall be properly posted at the work site.
4. Appropriate siltation , erosion, and turbidity controls shall be utilized.
5. This Authorization does not allow for any work on abutting properties nor does it allow the owner or agent to take any action that would adversely impact the property of abutting owners.

\* THIS AUTHORIZATION EXPIRES November 15, 2010. ALL work on site must be completed by this date.

## EXPEDITED MINIMUM

\*\*\*\*\*

**2010-00991                      SMITH, JAMES**  
**WASHINGTON   Ashuelot Pond**

### Requested Action:

Permanently remove an existing 12 ft x 20 ft and install an 8 ft x 20 ft seasonal dock on the same location on the Ashuelot Pond, Washington.

\*\*\*\*\*

### Conservation Commission/Staff Comments:

Con Com has no concerns

Ashuelot River Advisory Committee questions dimensions of proposed dock

### APPROVE PERMIT:

Permanently remove an existing 12 ft x 20 ft and install an 8 ft x 20 ft seasonal dock on the same location on the Ashuelot Pond, Washington.

### With Conditions:

1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (DES) on October 04, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property

lines or the imaginary extension of those lines into the water.

4. Seasonal pier shall be removed from the lake for the non-boating season.

5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal pier or wharf.

2. The seasonal dock is less impacting than replacing the existing docking structure in kind.

**2010-02454                      CRAWLEY, CYNTHIA**  
**WAKEFIELD   Unnamed Stream**

Requested Action:

Dredge and fill 160 square feet of intermittent stream to install a 18" x 20' long culvert for access to a back portion of a single family property.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 160 square feet of intermittent stream to install a 18" x 20' long culvert for access to a back portion of a single family property.

With Conditions:

1. All work shall be in accordance with plans by Cynthia Crawley dated 8/25/2010, as received by the NH Department of Environmental Services (DES) on 9/15/2010.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

5. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert to permit vehicular access to a piece of property for non-commercial recreational use.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The Wakefield Conservation Commission signed the application.

**2010-02455                      DIETEL, JOHN & CAROLYN**  
**SUNAPEE   Lake Sunapee**

Requested Action:

Repair an existing 13 ft x 36 ft 3 in dock supported by a 13 ft x 9 ft crib and a 13 ft x 12 ft crib, accessed by a 6 ft 5 in x 4 ft 3 in walkway, with a seasonal boat lift in the western slip, on Lake Sunapee, Sunapee.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com signed Exp Application

**APPROVE PERMIT:**

Repair an existing 13 ft x 36 ft 3 in dock supported by a 13 ft x 9 ft crib and a 13 ft x 12 ft crib, accessed by a 6 ft 5 in x 4 ft 3 in walkway, with a seasonal boat lift in the western slip, on Lake Sunapee, Sunapee.

**With Conditions:**

1. All work shall be in accordance with plans by John Dietel, as received by the NH Department of Environmental Services (DES) on September 15, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2010-02561 DOBBIN, WILLIAM**  
**BRISTOL Newfound Lake**

**Requested Action:**

Repair in kind an existing 12 ft x 40 ft concrete pier and repair in kind an existing 76 linear feet of retaining wall on Newfound Lake, Bristol.

\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com signed Exp Application

**APPROVE PERMIT:**

Repair in kind an existing 12 ft x 40 ft concrete pier and repair in kind an existing 76 linear feet of retaining wall on Newfound Lake, Bristol.

**With Conditions:**

1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (DES) on September 23, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of

the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.

3. The repairs shall maintain the size, location and configuration of the pre-existing structures.

4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.

5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

10. Work shall be done during drawdown.

11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2010-02601                      SENIOR CITIZEN HOUSING DEVELOPMENT CORP**  
**CLAREMONT   Unnamed Wetland**

Requested Action:

Dredge and fill  $\pm$  568 sq. ft. of wetlands to install 1,500 linear feet of gravity sewer main.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill  $\pm$  568 sq. ft. of wetlands to install 1,500 linear feet of gravity sewer main.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineering, Inc. dated September 16, 2010, and September 20, 2010, as received by the DES Wetlands Bureau on September 27, 2010.

2. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

5. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-02704                      DION, ARTHUR**  
**ACWORTH   Crescent Lake**

Requested Action:

Permanently remove an existing permanent crib supported docking structure and install a 4 ft x 60 ft seasonal dock in the same location, and install a concrete anchor pad on Crescent Lake, Acworth.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Form

APPROVE PERMIT:

Permanently remove an existing permanent crib supported docking structure and install a 4 ft x 60 ft seasonal dock in the same location, and install a concrete anchor pad on Crescent Lake, Acworth.

With Conditions:

1. All work shall be in accordance with plans by Beaver Tracks LLC, as received by the NH Department of Environmental Services (DES) on October 04, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. The existing dock shall be completely removed prior to the installation of the new docking structure.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 60 feet from the shoreline at full lake elevation.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction or installation of a seasonal dock.

**AGRICULTURE MINIMUM**

\*\*\*\*\*

**2010-01575                      MCCREEDY, ROBERT**  
**JEFFERSON   Unnamed Stream**

Requested Action:

Impact approximately 700 square feet of a perennial stream to remove a culvert and replace with an 14 foot wide bridge.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact approximately 700 square feet of a perennial stream to remove a culvert and replace with an 14 foot wide bridge.

**With Conditions:**

1. All work shall be done in accordance with plans by Natural Resource Conservation Service entitled McCreedy Farm (Sheets 3 of 7) as received by DES on June 17, 2010.
2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. This permit shall be recorded with the county Registry of Deeds office by the permittee.
5. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work shall be done during low flow.
7. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
8. Machinery shall be staged and refueled in upland areas.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Banks shall restored to their original grades and to a stable condition within three days of completion of construction.
12. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u), Maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. No comments were submitted from the NH Natural Heritage Bureau.

**TRAILS NOTIFICATION**

\*\*\*\*\*

**2010-02425  
PITTSBURG**

**CONNECTICUT LAKES REALTY TRUST**

**COMPLETE NOTIFICATION:**

Pittsburg Tax Map 1, Lot# 26 Roundtop whipple Trail

**LAKES-SEASONAL DOCK NOTIF**

\*\*\*\*\*

**2010-02971                      HEATH, ROBERT/SUSAN**  
**NORTHWOOD   Bow Lake**

COMPLETE NOTIFICATION:  
Noethwood Tax Map 106, Lot# 13 Bow Lake

**2010-02972                      STEVENS, HARLEY**  
**DEERFIELD   Northwood Lake**

COMPLETE NOTIFICATION:  
Deerfield Tax Map 201, Lot# 1 Northwood Lake

**ROADWAY MAINTENANCE NOTIF**

\*\*\*\*\*

**2010-02901                      NH DEPT OF TRANSPORTATION**  
**WESTMORELAND   Unnamed Wetland**

**2010-02902                      NH DEPT OF TRANSPORTATION**  
**CENTER HARBOR   Unnamed Wetland**

**2010-02903                      NH DEPT OF TRANSPORTATION**  
**HANOVER   Unnamed Stream**

**2010-02904                      NH DEPT OF TRANSPORTATION**  
**SUTTON   Unnamed Wetland**

**2010-02969                      DOVER DPW, CITY OF**  
**DOVER   Unnamed Stream**

**2010-02970                      NH DEPT OF TRANSPORTATION**  
**NORTH HAMPTON   Unnamed Stream**

**PERMIT BY NOTIFICATION**

\*\*\*\*\*

**2010-02895                      SQUAM LAKE CONSERVATION SOCIETY**  
**HOLDERNESS   Squam Lake**

Requested Action:

Replenish beach with less than 10 cubic yards of sand.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Replenish beach with less than 10 cubic yards of sand.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenish beach with less than 10 cubic yards of sand.

**2010-02897                      SHEPARD, MARGERY**  
**BARRINGTON   Swains Lake**

Requested Action:

Repair retaining wall and replenish beach.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com did not sign PBN form but submitted comments, all comments can be addressed by the conditions page for each project

PBN IS COMPLETE:

Repair retaining wall and replenish beach.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair existing retaining wall.

**2010-02899                      PYTERAF, STANLEY**  
**FREEDOM   Ossipee River**

Requested Action:

Repair existing retaining walls in kind.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair existing retaining walls in kind.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair existing retaining walls in kind.

**2010-02953                      DONNELLY, BRIAN**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2010-02961                      BURKE, MICHAEL**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2010-02963                      HUTCHINS, PETER**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

## CSPA PERMIT

\*\*\*\*\*

**2010-01761                      KELLY, JAMES/NINA**  
**BARNSTEAD   Halfmoon Lake**

Requested Action:

AMENDMENT DESCRIPTION: Revised plans by Frederick McGarry dated October 17, 2010 and received by NH Department of Environmental Services (DES) on October 18, 2010. Impact 4,810 sq ft in order to raze existing structure and construct a new structure, replace septic system and expand parking area.

Impact 4,575 sq ft for the reconstruction of existing house, retaining wall and septic system, adding fill, and expanding parking area.

\*\*\*\*\*

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Revised plans by Frederick McGarry dated October 17, 2010 and received by NH Department of Environmental Services (DES) on October 18, 2010. Impact 4,810 sq ft in order to raze existing structure and construct a new structure, replace septic system and expand parking area.

Impact 4,575 sq ft for the reconstruction of existing house, retaining wall and septic system, adding fill, and expanding parking area.

With Conditions:

1. All work shall be in accordance with plans by Frederick McGarry dated June 14, 2010 and received by the NH Department of Environmental Services (DES) on July 6, 2010.
2. All actions associated with the proposed 33 ft retaining wall are contingent on approval by the DES Wetlands Bureau, Wetlands Permit per RSA 482-A.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. No more than 11% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02191                      ALGER, JAMES**  
**NOTTINGHAM   Pawtuckaway Pond**

Requested Action:

Impact 3,950 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 3,950 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans and materials submitted by Nelson L. Thibault and received by the Department of Environmental Services ("DES") on August 17, 2010 and October 18, 2010.
2. No more than 13.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
4. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer except that necessary for a 6 foot wide pathway to the public waterbody.
5. The project as proposed will leave approximately 8,359 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,396 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.
15. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.

Requested Action:

Impact 3,950 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 3,950 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans and materials submitted by Nelson L. Thibault and received by the Department of Environmental Services ("DES") on August 17, 2010 and October 18, 2010.
2. No more than 13.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.

4. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer except that necessary for a 6 foot wide pathway to the public waterbody.
5. The project as proposed will leave approximately 8,359 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,396 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.
15. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.

**2010-02344                      MINERY, MICHAEL**  
**LOUDON   Suncook River**

**Requested Action:**

Impact 8,510 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 8,510 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installing a new septic system.

**With Conditions:**

1. All work shall be in accordance with plans submitted by Michael Minery and received by the Department of Environmental Services ("DES") on August 31, 2010 and October 14, 2010.
2. No more than 8.81% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
4. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer
5. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line in order to remain compliant with RSA 483-B:9, V, (b), (2), (A), (ii).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.
15. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
16. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.

**2010-02383                      ZAMMETT, LORNA**  
**SANBORNTON   Hermit Lake**

Requested Action:

Impact 96 sq ft for the purpose of constructing a new deck.

\*\*\*\*\*

APPROVE PERMIT:

Impact 96 sq ft for the purpose of constructing a new deck.

With Conditions:

1. All work shall be in accordance with revised plans and received by the Department of Environmental Services ("DES") on September 29, 2010.
2. No more than 10.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
4. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line in order to remain compliant with RSA 483-B:9, V, (b), (2), (A), (ii).
5. The project as proposed will leave approximately 5,400 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,948 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

15. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.
16. Upon completion of the proposed project, the existing septic system will pose no threat to adjacent surface waters.

**2010-02663                      KAASHOEK, MARINUS**  
**NEWBURY   Sunapee Lake**

Requested Action:

AMENDMENT DESCRIPTION: Language modification to plan for four bedroom is changed to three bedroom. Footprint is to remain the same.

Impact 4,759 sq ft in order to construct a four bedroom house within the footprint of the pre-existing house, relocate septic tank, and construct a new leachfield.

\*\*\*\*\*

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Language modification to plan for four bedroom is changed to three bedroom. Footprint is to remain the same.

Impact 4,759 sq ft in order to construct a four bedroom house within the footprint of the pre-existing house, relocate septic tank, and construct a new leachfield.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated August 1, 2010 and received by the NH Department of Environmental Services (DES) on September 27, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 10.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 8,036 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02669                      MOLAND, RICHARD**  
**NOTTINGHAM   North River Lake**

Requested Action:

Impact 7,820 sq ft in order to remove existing structure and relocate behind the waterfront buffer, and install a new septic system and well.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 7,820 sq ft in order to remove existing structure and relocate behind the waterfront buffer, and install a new septic system and well.

**With Conditions:**

1. All work shall be in accordance with plans by David W. Vincent, LLC dated September 21, 2010 and received by the NH Department of Environmental Services (DES) on September 28, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 19.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,305 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,217 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02671                      MILLER, DAVID**  
**ENFIELD   Mascoma Lake**

**Requested Action:**

Impact 30 sq ft in order to replace metal awning and re-roof existing structure.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 30 sq ft in order to replace metal awning and re-roof existing structure.

**With Conditions:**

1. All work shall be in accordance with plans by K & D Hambleton (owners) dated September 1, 2010 and received by the NH Department of Environmental Services (DES) on September 29, 2010.
2. No more than 7.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. As proposed, no decrease in unaltered area and no excavation or tree removal within the waterfront buffer.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02672                      TREFRY, SUSAN**  
**SALEM    Arlington Lake**

Requested Action:

Impact 3,844 sq ft in order to demolish existing dwelling construct new dwelling located behind the waterfront buffer and install a new septic system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 3,844 sq ft in order to demolish existing dwelling construct new dwelling located behind the waterfront buffer and install a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Meisner Brem Corporation dated August 24, 2010 and received by the NH Department of Environmental Services (DES) on September 29, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 18% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 1,870 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02675                      JACOBS LIM NOMINEE TRUST**  
**MOULTONBOROUGH    Lake Winnepesaukee**

Requested Action:

Impact 1,283 sq ft in order to construct an addition.

\*\*\*\*\*

APPROVE PERMIT:

Impact 1,283 sq ft in order to construct an addition.

With Conditions:

1. All work shall be in accordance with plans by Northpoint Engineering, LLC dated October 1, 2010 and received by the NH Department of Environmental Services (DES) on October 14, 2010.
2. No more than 24.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 3,160 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02676                      SCELZA, KAREN**  
**SPOFFORD   Spofford Lake**

Requested Action:

Impact 320 sq ft in order to replace railroad ties and brick pavers with concrete steps and pavers.

\*\*\*\*\*

APPROVE PERMIT:

Impact 320 sq ft in order to replace railroad ties and brick pavers with concrete steps and pavers.

With Conditions:

1. All work shall be in accordance with plans by Key Landscape and Irrigation dated September 1, 2010 and received by the NH Department of Environmental Services (DES) on September 30, 2010.
2. No more than 11.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 5,337 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02677                      TOWN OF HENNIKER**  
**HENNIKER   Contoocook River**

Requested Action:

Impact 5,445 sq ft in order to construct a sidewalk and install a catch basin.

\*\*\*\*\*

APPROVE PERMIT:

Impact 5,445 sq ft in order to construct a sidewalk and install a catch basin.

With Conditions:

1. All work shall be in accordance with plans by Moser Engineering dated September 21, 2010 and received by the NH Department of Environmental Services (DES) on September 30, 2010.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

6. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2010-02678                      ANTONACCI, REBECCA**  
**SPOFFORD   Spofford Lake**

**Requested Action:**

Impact 1,334 sq ft in order to repair and modify existing wooden accessory structure and to excavate and construct a temporary access road.

\*\*\*\*\*

**DENY PERMIT:**

Impact 1,334 sq ft in order to repair and modify existing wooden accessory structure and to excavate and construct a temporary access road.

**With Findings:**

**Standards for Approval**

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."
2. Pursuant to RSA 483-B:9, V, (a), (2), (D), (vii), "When necessary for the completion of construction activities permitted in accordance with RSA 483-B:6, a temporary 12 foot wide access path shall be allowed."
3. Pursuant to Rule Env-Wq 1405.05, Slope Limitation for Accessory Structures, "No accessory structure shall be built on or into land having greater than 25% slope"
4. Pursuant to Rule Env-Wq 1405.04, Setback for Accessory Structures, "All accessory structures built after November 26, 1996 shall be set back at least 20 feet from the reference line, unless otherwise approved by the department in accordance with RSA 482-A and rules adopted pursuant thereto, Env-Wt 100-800."
5. Pursuant to Rule Env-Wq 1406.09, (g), Plans to be Submitted with All Shoreland Permit Applications, plans shall show the dimensions and locations of all existing and proposed structures, impervious areas, disturbed areas, areas to remain in an unaltered state, and all other relevant features necessary to clearly define both existing conditions and the proposed project;
6. Pursuant to Rule Env-Wq 1406.09, (h), Plans to be Submitted with All Shoreland Permit Applications, plans shall show the dimensions, locations, and descriptions of all proposed temporary impacts associated with completion of the project;

**Finding of Fact**

1. The Applicant is the homeowner of a lot that is approximately 0.6 acres in size located within the protected shoreland of Spofford Lake more particularly identified as Spofford tax map 5H, lot B-24 (the "Property").
2. On September 30, 2010 the Department of Environmental Services received an application to impact 1,344 square feet of the protected shorelands to repair and modify existing wooden accessory structure and to excavate and construct a temporary access road.
3. This project involves excavating, filling and constructing structures throughout the 50 ft waterfront buffer. The frontage gains approximately 17 ft in elevation over the 50 ft to be disturbed. The average slope through the waterfront buffer (project area) is 34%.
4. The new patio, if constructed in the footprint on the pre-existing deck, would be setback 18 ft from the reference line at the closest point.

5. The Applicant proposes to construct a stone patio on sloping ground, in the place of a pre-existing, elevated deck.
6. The plans submitted give no details relative to cutting or filling of the slope as would be required to construct a level, stone patio, on the ground surface.
7. The Applicant failed to submit cross sections indicating any grade changes associated with the construction of a level, stone patio, on the ground surface.
8. The plans submitted give no details relative to temporary impacts associated with regrading of the slope as needed to accommodate the proposed patio.
9. The Applicant has not submitted any documentation to support the need for impacts to the waterfront buffer resulting from the separate, temporary, 12 ft wide access road proposed rather than accessing the site through the areas to be impacted by the proposed structures.

#### Ruling in Support of the Decision

1. The proposed stone patio fails to meet the accessory structure setback established in Rule Env-Wq 1405.04.
2. The proposed project will impact areas having a slope greater than 25% slope and, therefore is prohibited pursuant to Rule Env-Wq 1405.05.
3. The Applicant has not shown that the proposed 12 ft wide access road is necessary as is required to meet RSA 483-B:9, V, (a), (2), (D), (vii) and allow the removal of the protected groundcovers.
4. The Applicant has failed to submit plans that clearly define the work required to construct the proposed stone patio as required pursuant to Rule Env-Wq 1406.09, (g) including the footprint of the temporary impact areas as specifically required pursuant to Rule Env-Wq 1406.09, (h).
5. The issuance of a permit to excavate, fill, and construct the proposed new structures within the waterfront buffer of this property would consistent with the intent and purpose of the RSA 483-B and, therefore, is prohibited by RSA 483-B:3, Consistency Required.

**2010-02679                      WORKMAN, MICHAEL**  
**FRANKLIN   Webster Lake**

#### Requested Action:

Impact 3,824 sq ft in order to demolish an existing structure and construct a new cottage having a larger footprint.

\*\*\*\*\*

#### APPROVE PERMIT:

Impact 3,824 sq ft in order to demolish an existing structure and construct a new cottage having a larger footprint.

#### With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC dated September 28, 2010 and received by the NH Department of Environmental Services (DES) on September 30, 2010.
2. No more than 11.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 1,828 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02682                      STOCKTON, ROBERT**  
**NEWBURY   Sunapee Lake**

Requested Action:

Impact 240 sq ft in order to construct a deck.

\*\*\*\*\*

APPROVE PERMIT:

Impact 240 sq ft in order to construct a deck.

With Conditions:

1. All work shall be in accordance with plans by Robert Stockton dated October 1, 2010 and received by the NH Department of Environmental Services (DES) on October 1, 2010. 2. No more than 15.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
5. Any fill used shall be clean sand, gravel, rock, or other suitable material.
6. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02685                      LAVIN, BARBARA/JOSEPH**  
**NEW CASTLE   Mill Pond**

Requested Action:

Impact 1,466 sq ft in order to replace existing structure.

\*\*\*\*\*

APPROVE PERMIT:

Impact 1,466 sq ft in order to replace existing structure.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated September 1, 2010 and received by the NH Department of Environmental Services (DES) on October 1, 2010.
2. No more than 23.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the

structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02712                      LEE, TOWN OF**  
**LEE   North River**

Requested Action:

Impact 42,440 sq ft in order to replace a 31 ft span bridge with a 41 ft span bridge.

\*\*\*\*\*

APPROVE PERMIT:

Impact 42,440 sq ft in order to replace a 31 ft span bridge with a 41 ft span bridge.

With Conditions:

1. All work shall be in accordance with plans by Quantun Construction Consultants, LLC dated October 1, 2010 and received by the NH Department of Environmental Services (DES) on October 4, 2010.
2. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.
3. This permit is contingent upon the approval of the Wetlands Bureau per RSA 482-A.
4. No more than 38% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2010-02718                      GILFORD YACHT CLUB CONDOMINIUM ASSOCIATION**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Impact 2,800 sq ft in order to replace piers supporting the existng clubhouse with a foundation slab on grade.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2,800 sq ft in order to replace piers supporting the existng clubhouse with a foundation slab on grade.

With Conditions:

1. All work shall be in accordance with plans by Steven J. Smith & Associates, Inc. dated October 1, 2010 and received by the NH Department of Environmental Services (DES) on October 4, 2010.
2. No more than 39.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This project shall not impact any areas currently existing in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02720                      NH DEPT OF TRANSPORTATION**  
**ERROL   Androscoggin River**

Requested Action:

Impact 227,337 sq ft to relocate 2,800 linear ft of Route 16 onto new alignment. (NH Project 15925)

\*\*\*\*\*

APPROVE PERMIT:

Impact 227,337 sq ft to relocate 2,800 linear ft of Route 16 onto new alignment. (NH Project 15925)

With Conditions:

1. All work shall be in accordance with plans by Clough Harbour & Associates LLP dated September 15, 2010 and received by the NH Department of Environmental Services (DES) on October 4, 2010.
2. No more than 24.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 105,033 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 105,033 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02722                      GRINGAS, PAUL**  
**BARNSTEAD   Locke Lake**

Requested Action:

Impact 2,240 sq ft in order to construct a leach field.

\*\*\*\*\*

APPROVE PERMIT:

Impact 2,240 sq ft in order to construct a leach field.

With Conditions:

1. All work shall be in accordance with plans by Sunset Hill Design dated June 7, 2010 and received by the NH Department of Environmental Services (DES) on October 4, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.

7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02723                      SPRAGUE, WILLIAM**  
**TUFTONBORO   Mirror Lake**

Requested Action:

Impact 3,464 sq ft in order to expand an existing building, construct a new 8ft x 12ft building, and replace a stone driveway with gravel.

\*\*\*\*\*

APPROVE PERMIT:

Impact 3,464 sq ft in order to expand an existing building, construct a new 8ft x 12ft building, and replace a stone driveway with gravel.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated September 28, 2010 and received by the NH Department of Environmental Services (DES) on October 4, 2010.
2. No more than 15% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 6,155 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02724                      JOHNSON, LYNDIA**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Impact 7,088 sq ft in order to construct a cottage and install a septic system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 7,088 sq ft in order to construct a cottage and install a septic system.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated September 8, 2010 and received by the NH Department of Environmental Services (DES) on October 4, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 1.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 14,800 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 13,774 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02725                      STONE, RONALD**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Impact 4,286 sq ft in order to construct an addition and replace septic system with a larger effluent disposal system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 4,286 sq ft in order to construct an addition and replace septic system with a larger effluent disposal system.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated September 30, 2010 and received by the NH Department of Environmental Services (DES) on October 4, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 7.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,900 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,282 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02727                      HODGDON, EARL/JUDY**  
**ERROL   Umbagog Lake**

Requested Action:

Impact 384 sq ft in order to construct an addition.

\*\*\*\*\*

APPROVE PERMIT:

Impact 384 sq ft in order to construct an addition.

With Conditions:

1. All work shall be in accordance with plans by E. & J. Hodgdon dated October 1, 2010 and received by the NH Department of Environmental Services (DES) on October 5, 2010.
2. No more than 3.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 7,275 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-02754                      BARNUM, ROBERT**  
**LYME   Connecticut River**

Requested Action:

Impact 9,870 sq ft in order to construct a four bedroom house, driveway with parking area, and relocate septic tank.

\*\*\*\*\*

APPROVE PERMIT:

Impact 9,870 sq ft in order to construct a four bedroom house, driveway with parking area, and relocate septic tank.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated August 1, 2010 and received by the NH Department of Environmental Services (DES) on October 6, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 7.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 22,860 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**CSPA PERMIT W/WAIVER**

\*\*\*\*\*

**2007-00884                      BROUCK, MELISSA/WILLIAM**  
**KINGSTON   Kingston Pond**

Requested Action:

Impact 1900 sq ft of protected shorelands to retain a 4 foot by 19 foot expansion of the footprint on the south side of the existing structure within the primary building setback on property with approximately 65 feet of frontage on Kingston Pond in Kingston. Work to include complete removal of a concrete patio and planting of native vegetation within the water front buffer.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Enforcement action currently being taken. -TG

Inspection Date: 02/21/2007 by Jeffrey D Blecharczyk

Inspection Date: 02/27/2007 by Jeffrey D Blecharczyk

Inspection Date: 01/24/2008 by Jeffrey D Blecharczyk

Inspection Date: 10/06/2009 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Impact 1900 sq ft of protected shorelands to retain a 4 foot by 19 foot expansion of the footprint on the south side of the existing structure within the primary building setback on property with approximately 65 feet of frontage on Kingston Pond in Kingston. Work to include complete removal of a concrete patio and planting of native vegetation within the water front buffer.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work associated with the removal of the concrete pad shall be conducted in accordance with the report by SFC Engineering dated October 19, 2010 and plan by J.M.Gray & Associates, Inc. dated August 6, 2010, received by the Department on October 21, 2010.
2. All work associated with restoration of the waterfront buffer and completion of the primary structure shall be conducted in accordance with plans by Benchmark Engineering, LLC, building plans dated December 2, 2007 received by the Department on December 21, 2007 and planting detail received by the Department on December 21, 2007, with planting sizes revised by the Department on October 26, 2010.
3. This approval includes a waiver of RSA 483-B:9, II, b, and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver has been sent to the department by certified mail, return receipt requested.
4. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surface, other than those shown on building plans by Benchmark Engineering, LLC dated December 2, 2007 and received by DES on December 21, 2007, within the 50 ft Primary Building Setback.
5. This Permit shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
6. The authorization provided herein is contingent upon the restriction of construction within the Primary Building Setback described above in condition # 4. This authorization shall become null and void in the event the Owner or any subsequent owners violate condition # 4. In the event condition # 4 is violated, the State may seek appropriate relief including, but not limited to, removal of the structure authorized herein.
7. Unnecessary removal of vegetation within the protected shorelands during construction shall be prohibited.
8. The minimum size of all proposed vegetation shall be 3 gallon containers or larger. Planting invasive or exotic species is strictly prohibited.
9. All proposed vegetation shall be planted by June 30, 2011. Plantings shall have a 100% survival success rate by October 31, 2012. An initial monitoring report shall be submitted to DES by October 15, 2011 documenting the success of the plantings.
10. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
11. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. DES and the Town of Kingston, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this

Waiver, and the collection of their reasonable costs and attorneys' fees in bringing any such action.

With Findings:

1. The existing structure, as identified on the Town of Kingston Tax Map U-6, Lot 45, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 15 ft from the reference line, has a ridgeline height of approximately 20 ft and a footprint of approximately 913 sq ft located within the Setback, providing approximately 2,017 sq ft of living space within the Setback.
3. The proposed structure shall be located approximately 15 ft from the reference line, have a ridgeline height of approximately 30 ft and a footprint of approximately 989 sq ft located within the Setback, providing approximately 2,967 sq ft of living space within the Setback.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection." 5. The Applicant has proposed to plant native vegetation along the shoreline.
6. The Applicant has proposed and received approval to install upgrades to the existing septic system. Subsurface file #CA2007091336 approved for construction on December 12, 2007.
7. Based on this information, the Department has determined the Applicant's proposal is more nearly conforming in accordance with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, meets the requirements of RSA 483-B:11, II.

**2009-01976                      HERROLD, JANICE/JOHN**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Amend shoreland impact permit to allow construction of additional retaining walls.

\*\*\*\*\*

APPROVE AMENDMENT:

Impact 7,259 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback and RSA 483-B:9, V(g)(1) is waived to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co., Inc., revised August 4, 2010 and received by the Department of Environmental Services ("DES") on August 5, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and RSA 483-B:9, V(g)(1, and therefore, shall not be effective until the permit has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 31.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1,345 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
5. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project

in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).

6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on the 1,345 sq ft of area currently existing in an unaltered state.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.
15. This permit is contingent upon all necessary approvals from the NH DES Subsurface Systems Bureau.
16. All stormwater controls, specifically, proposed infiltration trenches, shall be designed and maintained to effectively absorb and infiltrate stormwater.
17. All pervious technologies shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, V (g)(1), of the CSPA.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
4. The applicant has proposed to remove approximately 147 sq ft of impervious surface within the waterfront buffer of the protected shoreland.
5. The applicant has proposed to install stormwater controls consisting of infiltration trenches.
6. The applicant has proposed to remove pre-existing impervious coverage and convert an existing driveway to a pervious material.
7. The applicant has proposed to enhance the waterfront buffer and install stormwater controls, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-00271                      PARALLAX REALTY TRUST**  
**MEREDITH   Winnisquam Lake**

Requested Action:

Amend shoreland impact permit to allow 28 sq ft addition to primary structure.

\*\*\*\*\*

APPROVE AMENDMENT:

Impact 5,228 sq ft for the purpose of expanding an existing residential dwelling.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the

primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by Eric R. Buck of Pollock Land Planning, LLC., and received by the Department of Environmental Services ("DES") on August 10, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 21.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. The project as proposed will leave approximately 2,990 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to existing native vegetation between 50 feet and 150 feet from the reference line.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnisquam and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to plant additional, native vegetation within the waterfront and natural woodland buffers.
4. The applicant has proposed to install stormwater controls consisting of bioretention areas that will be capable of capturing all runoff from existing and proposed impervious areas.
5. The applicant has proposed to convert a portion of an existing driveway to a pervious material.
6. The applicant has proposed to install stormwater controls and significantly enhance the buffer zones of the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-00989                      RIEDERS, ERIC**  
**SUNAPEE   Otter Pond**

Requested Action:

Amend shoreland impact permit to allow subtle change in impervious area footprint resulting in 35 sq ft increase in the primary structure footprint.

\*\*\*\*\*

**APPROVE AMENDMENT:**

Impact 800 sq ft for the purpose of expanding a nonconforming primary structure.

**WAIVER APPROVED:** RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

**With Conditions:**

1. All work shall be in accordance with revised plans by Clayton Platt, Pennyroyal Hill Land Surveying dated August 11, 2010 and received by the Department of Environmental Services ("DES") on August 13, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 18.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. The project as proposed will leave approximately 4,890 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,995 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

**With Findings:**

1. The existing non-conforming structure is located within the 50 ft primary building setback to Otter Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove impervious area from the waterfront buffer and replace it with natural, native vegetation.
4. The applicant has proposed to install stormwater controls consisting of a rain garden capable of infiltrating stormwater from the addition and the southern side of the existing dwelling.
5. The applicant has proposed to install stormwater controls, and enhance the waterfront buffer, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-01052                      RICE, WILLIAM**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Amend shoreland impact permit to allow subtle change in accessory structure footprint.

\*\*\*\*\*

**APPROVE AMENDMENT:**

Amend permit to read: Impact 4,450 sq ft for the purpose of constructing a new accessory structure.

**WAIVER APPROVED:** RSA 483-B:9, V(g)(1) is waived to allow the development of a lot within the protected shoreland that exceeds 30% impervious surface coverage.

**With Conditions:**

1. All work shall be in accordance with revised plans by Brian L. Bailey Associates, Inc. dated August 3, 2010 and received by the Department of Environmental Services ("DES") on August 6, 2010.
2. This approval includes a waiver of RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 39.37% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The submitted planting plan shall be implemented to ensure that each planting has 100% success rate.
5. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

**With Findings:**

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Lake Winnepesaukee and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the area of imperviousness within the protected shoreland by 1,018 sq ft.
4. The applicant has proposed to provide additional, native plantings within the natural woodland buffer.
5. The applicant has proposed to reduce imperviousness on the subject lot and enhance the natural woodland buffer with native vegetation, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-01883                      COLLINS, MICHAEL**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Impact 4,780 sq ft for the purpose of replacing a primary structure and installing stormwater controls and a new septic system.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 4,780 sq ft for the purpose of replacing a primary structure and installing stormwater controls and a new septic system.

**WAIVER APPROVED:** RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

**With Conditions:**

1. All work shall be in accordance with revised plans by Ames Associates, dated October 22, 2010 and received by the Department of Environmental Services ("DES") on October 25, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 21.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system
5. All impacts within wetlands, surface waters and their banks must receive a Wetland Permit under RSA 482-A.
6. The proposed stormwater management plan shall be designed, installed, and maintained to effectively collect, retain, and infiltrate stormwater.
7. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
8. There shall be no impacts to natural ground cover or native vegetation within the waterfront buffer.
9. Upon completion of the proposed project, the proposed planting plan shall be implemented to ensure that each previously existing deficient grid segment will have at least the minimum score of RSA 483-B:9, V(a)(2)(D) as required by RSA 483-B:9, V, (g), (3).
10. At least 2,660 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
12. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
13. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
14. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
15. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
16. Any fill used shall be clean sand, gravel, rock, or other suitable material.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Silt fencing must be removed once the area is stabilized.

**With Findings:**

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnisquam and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to achieve a 24.3 foot greater setback from the reference line.
4. The applicant has proposed to decrease the area of impervious surfaces within the protected shoreland by 90 sq ft.

5. The applicant has proposed to install stormwater controls consisting of infiltration trenches around the perimeter of the primary structure designed in accordance with the specification outlined within the NH DES Shorefront Homeowners Guide to Stormwater Management.
6. The applicant has proposed to alter the grade of driveway in a way that better divert stormwater to a wooded area.
7. The applicant has proposed to install water bars on the driveway.
8. The applicant has proposed to plant additional, native vegetation within the waterfront buffer.
9. The applicant has proposed to install a new septic system.
10. The applicant has proposed to install stormwater controls, install a new septic system, reduce the total amount of impervious surface coverage within the protected shoreland, enhance the waterfront buffer and achieve a greater setback from the public waterbody, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-02275                      CROSLEY, CARL & JUDITH JANE**  
**WOLFEBORO   Wentworth Lake**

Requested Action:

Impact 1,312 sq ft for the purpose of expanding a nonconforming primary structure.

\*\*\*\*\*

APPROVE PERMIT:

Impact 1,312 sq ft for the purpose of expanding a nonconforming primary structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with building plans submitted by Andrew O'Shaughnessy dated August 17, 2010 and received by the Department of Environmental Services ("DES") on August 24, 2010 and planting plans received by DES on October 20, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 19.36% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
7. Upon completion of the proposed project, the submitted planting plan shall be implemented to ensure that all proposed plantings achieve a 100% success rate.
8. The project as proposed will leave approximately 7,372 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,455 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.
17. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
18. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Wentworth and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of infiltration trenches capable of intercepting stormwater from the rooftop via gutters.
4. The applicant has proposed to significantly enhance the waterfront and natural woodland buffers with additional, native vegetation.
5. The applicant has proposed to install stormwater controls and enhance the buffers of the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-02328**                      **BELIVEAU, MARCEL**  
**MANCHESTER Merrimack River**

Requested Action:

Impact 1,750 sq ft for the purpose of expanding a nonconforming primary structure.

\*\*\*\*\*

APPROVE PERMIT:

Impact 1,750 sq ft for the purpose of expanding a nonconforming primary structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback and RSA 483-B:9, V(g)(1) is waived to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with plans by Joseph M. Wichert, dated August 17, 2010 and received by the Department of Environmental Services ("DES") on August 30, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and RSA 483-B:9, V(g)(1), and therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 42.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. The proposed stormwater management plan shall be designed, installed and maintained to effectively collect, retain, and infiltrate stormwater.
5. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to the Merrimack River and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to the Merrimack River and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
4. The applicant has proposed to decrease the area of impervious surface within the protected shoreland by approximately 17 sq ft.
5. The applicant has proposed to convert the existing and proposed driveway areas to a pervious technology.
6. The applicant has proposed to install stormwater controls consisting of a 3 ft x 3ft stone dry well capable of infiltrating roof runoff.
7. The applicant has proposed to install stormwater controls consisting of a 500 gallon pre-cast dry well that will intercept roof runoff.
8. The applicant has proposed to install significant stormwater measures and has proposed a slight reduction in total impervious surface coverage within the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-02466 COWLES, GARY**  
**FREEDOM Ossipee Lake**

Requested Action:

Impact 1,582 sq ft for the purpose of expanding a nonconforming structure, installing a new foundation and stormwater controls.

\*\*\*\*\*

APPROVE PERMIT:

Impact 1,582 sq ft for the purpose of expanding a nonconforming structure, installing a new foundation and stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans submitted by Mark McConkey and received by the Department of Environmental Services ("DES") on September 16, 2010 and October 25, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 17.64% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.

5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
7. The project as proposed will leave approximately 2,603 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,410 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.
16. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Ossineke Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to plant additional, native vegetation within the waterfront buffer.
4. The applicant has proposed to install sound stormwater controls consisting of two infiltration basin capable of infiltrating roof run-off received from rain gutters.
5. The applicant has proposed to install stormwater controls and enhance the waterfront buffer and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-02492                      CAMP PEMIGEWASSET INC**  
**WENTWORTH   Lower Baker Pond**

Requested Action:

Impact 640 sq ft for the purpose of expanding a nonconforming primary structure and installing an underground electrical cable.

\*\*\*\*\*

APPROVE PERMIT:

Impact 640 sq ft for the purpose of expanding a nonconforming primary structure and installing an underground electrical cable.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans submitted by Fred Fauver and received by the Department of Environmental Services ("DES") on September 13, 2010.

2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. There shall be no increases in impervious area beyond the 140 sq ft expansion to the nonconforming structure unless additional approvals are received from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The proposed stormwater management plan shall be designed, installed, and maintained to effectively collect, retain, and infiltrate stormwater.
6. There shall be no impacts to natural ground cover or native vegetation within the waterfront buffer.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.
15. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lower Baker Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove a clay tennis court which will result in a 2,800 sq ft net reduction of impervious area within the protected shoreland.
4. The applicant has proposed to install two series of infiltration steps to replace two footpaths that are prone to concentrating stormwater and eroding.
5. The applicant has proposed to install stormwater controls and significantly reduce the area of impervious surface within the protected shoreland and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-02493**

**DEKASA REALTY LLC, GEORGE VILLEMARIE**

**HUDSON Merrimack River**

Requested Action:

Impact 88,412 sq ft for the purpose of developing a pre-existing nonconforming commercial lot.

\*\*\*\*\*

APPROVE PERMIT:

Impact 88,412 sq ft for the purpose of developing a pre-existing nonconforming commercial lot.

WAIVER APPROVED: RSA 483-B:9, V(g)(1) is waived to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with plans by Maynard and Paquette Engineering Associates, LLC, dated August 2, 2010 and received by the Department of Environmental Services ("DES") on September 13, 2010.
2. This approval includes a waiver of RSA 483-B:9, V (g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 32.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Alteration of Terrain Bureau.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
8. Immediately upon completion of the proposed project, the submitted planting plan shall be implemented to ensure that all proposed plantings achieve a 100% success rate.
9. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to existing native vegetation between 50 feet and 150 feet from the reference line.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas designated to remain in an unaltered state.
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
13. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
14. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Silt fencing must be removed once the area is stabilized.
19. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
20. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.

With Findings:

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to the Merrimack River and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the overall area of imperviousness within the protected shoreland by 11,364 sq ft.
4. The applicant has proposed to restore a 3,600 sq ft area within the natural woodland buffer with native vegetation.
5. The applicant has proposed to install sound stormwater controls consisting of pervious technologies and infiltration basins.
6. The applicant has proposed to install sound stormwater controls, significantly reduce the total impervious area within protected shoreland and significantly enhance the natural woodland buffer, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

